

2018 Current Fiscal Year Report: Appliance Standards and Rulemaking Federal Advisory Committee

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1. Department or Agency

Department of Energy

2. Fiscal Year

2018

3. Committee or Subcommittee

Appliance Standards and Rulemaking Federal Advisory
Committee

3b. GSA Committee No.

80470

4. Is this New During Fiscal Year?

No

5. Current Charter

04/13/2018

6. Expected Renewal Date

04/13/2020

7. Expected Term Date

8a. Was Terminated During Fiscal Year?

No

8b. Specific Termination Authority

8c. Actual Term Date

9. Agency Recommendation for Next Fiscal Year

Continue

10a. Legislation Req to Terminate?

No

10b. Legislation Pending?

Enacted

11. Establishment Authority

Agency Authority

12. Specific Establishment Authority

Executive Order 13563

13. Effective Date

11/18/2011

14. Committee Type

Continuing

14c. Presidential?

No

15. Description of Committee

Regulatory Negotiations Committee

16a. Total Number of Reports

5

16b. Report Date

Report Title

01/10/2018 ASRAC Full Parent Committee Meeting Minutes - January 10, 2018

08/23/2018 ASRAC Variable Refrigerant Flow Multi-Split Air Conditioners and Heat
Pumps Working Group - 8/23/2018

08/24/2018 ASRAC Variable Refrigerant Flow Multi-Split Air Conditioners and Heat
Pumps Working Group - 8/24/2018

09/10/2018 ASRAC Variable Refrigerant Flow Multi-Split Air Conditioners and Heat
Pumps Working Group - 9/10/2018

09/11/2018 ASRAC Variable Refrigerant Flow Multi-Split Air Conditioners and Heat
Pumps Working Group - 9/11/2018

Number of Committee Reports Listed: 5

17a. Open 5 17b. Closed 0 17c. Partially Closed 0 Other Activities 0 17d. Total 5

Meetings and Dates

Purpose

Start

End

Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) Full Parent Committee Meeting. ASRAC members met to discuss various pending issues and the formation of a new working group (VRF's).	01/10/2018 - 01/10/2018
Variable Refrigerant Flow Multi-Split Air Conditioners and Heat Pumps Working Group	08/23/2018 - 08/23/2018
Variable Refrigerant Flow Multi-Split Air Conditioners and Heat Pumps Working Group	08/24/2018 - 08/24/2018
Variable Refrigerant Flow Multi-Split Air Conditioners and Heat Pumps Working Group	09/10/2018 - 09/10/2018
Variable Refrigerant Flow Multi-Split Air Conditioners and Heat Pumps Working Group	09/11/2018 - 09/11/2018

Number of Committee Meetings Listed: 5

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$3,000.00	\$11,400.00
18a(3). Personnel Pmts to Federal Staff	\$7,800.00	\$13,920.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$981.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$12,600.00	\$36,000.00
18d. Total	\$24,381.00	\$61,320.00
19. Federal Staff Support Years (FTE)	0.04	0.15

20a. How does the Committee accomplish its purpose?

The U.S. Department of Energy established the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) was established in an effort to further improve the U.S. Department of Energy's process of establishing energy efficiency standards for certain appliances and commercial equipment. ASRAC will allow DOE to use negotiated rulemaking as a means to engage all interested parties, gather data, and attempt to reach consensus on establishing energy efficiency standards. Rules drafted by negotiation may be more pragmatic and implemented at earlier dates than under a more traditional rulemaking process. To effectively accomplish its purpose, ASRAC, in consultation with the Building Technologies Office, will create working groups to meet and negotiate standards and/or other needs. Broader topics will be handled by the Committee directly.

20b. How does the Committee balance its membership?

Members will be selected with a view toward achieving a balanced committee of experts in fields relevant to energy efficiency, appliance and commercial equipment standards, to include DOE, as well as representatives of industry (including manufacturers and trade associations representing manufacturers, component manufacturers and related suppliers, and retailers), utilities, energy efficiency/environmental advocacy groups and consumers. Members are selected on the basis of established records of distinguished service in their professional community and their knowledge relevant to the function of the Committee. If any vacancies occur during the life of the Committee, the designated

Federal Officer will solicit additional nominations, develop a new candidate list, identify the best qualified candidates to replace the missing points of view, and initiate the appointment process within the U.S. Department of Energy.

20c. How frequent and relevant are the Committee Meetings?

The Committee is expected to meet approximately twice per year, or as necessary. For each working group, ASRAC is expected to set deadlines for negotiations, including status checks. During these status checks, ASRAC will hold an open meeting (likely by webinar) to hear from the working group and will provide relevant feedback.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

The Appliance Standards and Rulemaking Federal Advisory Committee was established in an effort to further improve the U.S. Department of Energy's process of establishing energy efficiency standards for certain appliances and commercial equipment.

Specifically, the Committee was established in accordance with with Executive Order 13563, Improving Regulation and Regulatory Review, with the provisions of the Federal Advisory Committee Act, as amended, the Negotiated Rulemaking Act of 1965, 5 U.S.C. 561 et. seq., and the Administrative Procedure Act (APA), 5 U.S.C. 551 et. seq. The Committee will provide a diverse group of stakeholders representing a broad range of interests to negotiate and, if possible, reach consensus on recommendations to form Notice of Proposed Rules on Federal standards for appliances and commercial equipment. ASRAC will assist DOE in creating a nimble and timely mechanism for interested parties to engage in meaningful dialogue, and for the Department to have access to the experience, advice, and recommendations of knowledgeable and affected parties of the standards to be set forth. This communication among stakeholders can develop a clearer understanding of the complex issues surrounding such standards.

20e. Why is it necessary to close and/or partially closed committee meetings?

N/A

21. Remarks

No travel costs for Federal members this fiscal year.

Designated Federal Officer

John Cymbalsky Designated Federal Officer (DFO)

Committee Members	Start	End	Occupation	Member Designation
Armstrong, Ashley	12/01/2012	09/27/2018	Team Lead for Test Procedures and Certification and Enforcement, U.S. Energy Department	Regular Government Employee (RGE) Member

Cleary, Jennifer	12/01/2014	12/01/2018	Association of Home Appliance Manufacturers	Representative Member
Driskell, Kristin	12/01/2016	12/01/2019	California Energy Commission - Manager of Appliances & Outreach & Education Office	Representative Member
Gatto, David	12/01/2016	12/01/2018	Westinghouse Lighting - Director of QC/Compliance, Global Supply Chain	Representative Member
Hon, Charles	12/01/2014	12/01/2018	True Manufacturing Company	Special Government Employee (SGE) Member
Horowitz, Noah	12/01/2016	12/01/2019	Natural Resources Defense Council - Senior Scientist & Director of the Center for Energy Efficiency Standards	Representative Member
Jakobs, Diane	12/01/2014	12/01/2019	Rheem Manufacturing Co.	Representative Member
Miller, Sofie	12/01/2017	05/11/2018	Senior Policy Analyst	Special Government Employee (SGE) Member
Sim, Michelle	12/01/2016	10/10/2018	SoCal Gas Company - Codes and Standards/Zero Net Energy Project Manager	Representative Member
Winningham, David	12/01/2016	12/01/2019	Lennox International - Senior Engineering Manager, Regulatory Affairs	Representative Member
Wolf, Michael	12/01/2015	12/01/2019	Director of Industry and Regulatory Relations	Representative Member
deLaski, Andrew	12/01/2012	12/01/2018	Executive Director, Appliance Standards Awareness Project	Representative Member

Number of Committee Members Listed: 12

Narrative Description

The Committee provides advice and makes recommendations on the (1) development of minimum efficiency standards for residential appliances and commercial equipment, (2) development of product test procedures, (3) certification and enforcement of standards, (4) labeling for various residential products and commercial equipment, and (5) specific issues of concern to DOE, as requested by the Secretary of Energy, the Assistant Secretary for Energy Efficiency and Renewable Energy (EERE) and the Buildings Technologies Program Manager. The Committee was established in accordance with with Executive Order 13563, Improving Regulation and Regulatory Review, with the provisions of the Federal Advisory Committee Act, as amended, the Negotiated Rulemaking Act of 1965, 5 U.S.C. 561 et. seq., and the Administrative Procedure Act (APA), 5 U.S.C. 551 et. seq. The Committee will provide a diverse group of stakeholders representing a broad range of interests to negotiate and, if possible, reach consensus on recommendations to form Notice of Proposed Rules on Federal standards for appliances and commercial equipment. ASRAC will assist DOE in creating a nimble and timely mechanism for interested parties to engage in meaningful dialogue, and for the Department to have access to the experience, advice, and recommendations of knowledgeable and affected parties of the standards to be set forth.

What are the most significant program outcomes associated with this committee?

Checked if Applies

Improvements to health or safety



Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input type="checkbox"/>
Increased customer satisfaction	<input type="checkbox"/>
Implementation of laws or regulatory requirements	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Outcome Comments

As a negotiated rulemaking advisory Committee, ASRAC will help with providing advice/ recommendations on setting efficiency standards for residential and commercial equipment. ASRAC and its working groups will use negotiated rulemaking as a means to engage all interested parties. These efforts are consistent with the Executive Order 13563, Improving Regulation and Regulatory Review, that states "Regulations shall be adopted through a process that involves public participation ... Before issuing a notice of proposed rulemaking, each agency, where feasible and appropriate, shall seek the views of those who are likely to be affected, including those who are likely to benefit from and those who are potentially subject to such rulemaking." By actively engaging the public and affected stakeholders, it is likely that rules drafted by negotiation may be more pragmatic and implemented at earlier dates.

What are the cost savings associated with this committee?

	Checked if Applies
None	<input type="checkbox"/>
Unable to Determine	<input checked="" type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>
\$500,001 - \$1,000,000	<input type="checkbox"/>
\$1,000,001 - \$5,000,000	<input type="checkbox"/>
\$5,000,001 - \$10,000,000	<input type="checkbox"/>
Over \$10,000,000	<input type="checkbox"/>
Cost Savings Other	<input type="checkbox"/>

Cost Savings Comments

ASRAC recommendations are typically presented as term sheets that lists agreements related to drafting a notice of proposed rulemaking. While there may be some cost or energy savings associated with the newly proposed rulemaking, the cost savings are currently unable to be determined.

What is the approximate Number of recommendations produced by this committee for the life of the committee?

12

Number of Recommendations Comments

Recommendations to date have centered around two functions: 1. The formation of working groups to discuss and, if possible, reach consensus on a proposed rule. 2. Efforts of the working group are discussed and openly deliberated by ASRAC members and are formed into recommendations to the Appliance and Equipment Standards Program to inform the development of the program's rulemaking efforts surrounding the working group topic. To date, there have been 12 recommended working group formations. Nine of eleven working groups have provided recommendations that led to Notice of Proposed Rulemakings (NOPR), and the twelfth working group began its activities in 2018.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

75%

% of Recommendations Fully Implemented Comments

All recommendations to form working groups have been completed to date. Of the 6 working groups that have finished their efforts 4 have been used in the formation of notices of proposed rules.

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

25%

% of Recommendations Partially Implemented Comments

Eventually all term sheets out of ASRAC will be used to draft the notice of proposed rulemaking.

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

During the Committee's discussion to form recommendations, DOE will elaborate on their role/ability in implementing any recommendations.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

- | | |
|-----------------------------------|--------------------------|
| Reorganized Priorities | <input type="checkbox"/> |
| Reallocated resources | <input type="checkbox"/> |
| Issued new regulation | <input type="checkbox"/> |
| Proposed legislation | <input type="checkbox"/> |
| Approved grants or other payments | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Action Comments

N/A

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

N/A

How is access provided to the information for the Committee's documentation?

Checked if Applies

- | | |
|---------------------------|-------------------------------------|
| Contact DFO | <input checked="" type="checkbox"/> |
| Online Agency Web Site | <input checked="" type="checkbox"/> |
| Online Committee Web Site | <input checked="" type="checkbox"/> |
| Online GSA FACA Web Site | <input type="checkbox"/> |
| Publications | <input checked="" type="checkbox"/> |
| Other | <input checked="" type="checkbox"/> |

Access Comments

ASRAC has information up on the DOE/ EERE Appliance Standards program site that links to regulations.gov (where all meeting materials will be located). Additionally, the website provides email link to the ASRAC inbox (asrac@ee.doe.gov) and ability to sign up to be on ASRAC's distribution list to receive email updates on the Appliance Standards and Rulemaking Federal Advisory Committee. ASRAC website:
<https://www.energy.gov/eere/buildings/appliance-standards-and-rulemaking-federal-advisory-cor>